

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBINSON MARTINEZ,	§	
	§	
Petitioner,	§	
	§	
v.	§	CIVIL ACTION H-13-0707
	§	
UNITED STATES OF AMERICA,	§	
<i>et al.</i> ,	§	
	§	
Respondents.	§	

ORDER

Petitioner, Robinson Martinez, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his continued detention and seeking a determination of citizenship. (Docket No. 1). On June 24, 2013, Respondents filed a Motion to Dismiss. (Docket No. 15.) On October 11, 2013, the Court ordered Petitioner to show cause for his failure to timely respond to the motion to dismiss. Petitioner responded to the show cause order on November 8, 2013, and moved for an extension of time until January 11, 2014, to respond to the motion to dismiss. (Docket No. 18-19.) Respondents did not oppose the request for extension.

On December 13, 2013, Petitioner filed several documents (Docket Nos. 20-23) naming as defendants Corrections Corporation of America (CCA) and various other persons who, for the most

part, are not named as defendants in this Cause No. H-13-CV-0707. The new proceedings against CCA and others bear no file number, nor certificate of service upon opposing counsel in this Cause No. H-13-CV-0707 because Petitioner intended it as a separate action. See Docket No. 23. Nonetheless, the Clerk mistakenly filed Petitioner's new proceeding in this Cause No. H-13-CV-0707. On January 3, 2014, Respondents in this Cause No. H-13-CV-0707 filed a memorandum (Docket No. 25) in opposition to Petitioner's newly filed proceedings against CCA, et al., further confusing the record in this case. Having reviewed these documents the Court finds they should be filed as a separate case as Petitioner requested.


ORDER

Accordingly, it is ORDERED that the Clerk's Office shall refile Petitioner's "Motion for Declaratory Judgment and Injunctive Relief and Motion Stayed the Execution of Order of Removal" (Docket No. 22) as the initial pleading in a new case. Document numbers 20, 21, 23 and 25, mistakenly filed in this cause, shall also be refiled in the new case, which shall be processed as usual. Petitioner is advised that he must submit the required filing fee of \$400 or a properly completed motion to proceed *in forma pauperis* before the new case can proceed.

It is further ORDERED that Petitioner's motion for extension of time until January 11, 2014, to respond to the motion to dismiss in the present case (Docket No. 18) is GRANTED. Petitioner's response is due on January 11, 2014. No further extensions of time will be allowed.

The Clerk will provide a copy of this order to the parties.

SIGNED at Houston, Texas on January 9, 2014.


EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE